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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,420	07/07/2000	David A. Broden	R11.12-0735	7950

7590

09/17/2003

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EXAMINER

DAVIS, OCTAVIA L

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,420

Applicant(s)

BRODEN ET AL.

Examiner

Octavia Davis

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-9 and 16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al in view of Koen.

Regarding claims 1, 4, 9, 10, 15 and 16, Olson et al disclose a pressure transmitter comprising a process coupling 64 (and a process pipe, not shown), a pressure sensor module 30 coupled to the process coupling, the module 30 having an electrical characteristic 36 that varies with process fluid pressure, an isolator diaphragm 26 contacting the process fluid represented by 24, a deflectable sensor diaphragm pressure sensor 184, 186 within the pressure sensor module 30 and measurement circuitry 38 coupled to the pressure sensor module that provides a signal based upon a measurement of the electrical characteristic, communication circuitry 42 coupled to the measurement circuitry and providing pressure related information to a process control loop and a weld ring 70, 82 providing a seal for the fluid (See Cols. 2, 3 and 5, lines 33 - 60, 1 - 44 and 18 - 34) but does not disclose the pressure sensor module including a filler material, constructed of elastomer, being disposed between the isolator diaphragm and the sensor diaphragm and being bonded to the diaphragms. However, Koen discloses a pressure transducer 20, 23 having a pressure transfer medium 21 and a sensor diaphragm portion, a filler material 38 disposed between an isolator diaphragm 36 and the sensor diaphragm (See Cols. 4 and 5, lines 13 - 30 and 20 - 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olson et al according to the teachings of Koen for the purpose of,

providing a filler material to hermetically seal a pressure transfer medium between a gel-cup and a diaphragm (See Koen, Col. 5, lines 28 - 32).

Regarding claim 2, in Olson et al, the weld ring 70, 82 is coupled to a housing 14 (See Fig. 1).

Regarding claim 3, in Olson et al, the weld rings 70, 82 constitute 316L ferrite #3-10 stainless steel (See Col. 3, lines 25 - 27).

Regarding claims 5 - 8 and 11 - 14, Olson et al lack the filler material constituting polyurethane. However, in Koen, the filler material 38 is in the form of polymer (See Col. 5, lines 26 - 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olson et al according to the teachings of Koen for the purpose of, providing a durable sealing material of which, in part, prevents extrusion of a medium (See Col. 9, lines 10 - 16).

Response to Arguments

3. Applicant's arguments filed 7/11/03 have been fully considered but they are not persuasive. In response to applicant's arguments that Olson et al disclose a hermetic seal between the process fluid and the pressure sensor, it is the examiner's position that in Olson et al, the sealing means 124 (Col. 4, lines 1 - 6), 189, 200 (Col. 5, lines 28 - 33) and 100, 134, 136 (Col. 5, line 1) are not situated between the isolator diaphragm 26 (Col. 2, lines 45 - 47) and the sensor diaphragm 184 (Col. 5, lines 19 - 21). Koen specifically discloses a pressure sensor 20 including a header body 22, serving as a housing for a pressure-sensitive sensing device 23 (Col. 4, lines 18 - 22), an isolator diaphragm 36 and a filler material 38, composed of gel and forming a hermetic seal, situated between the diaphragms (Col. 5, lines 21 - 30, See Fig. 5), thus the reference still stands.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication should be directed to Examiner Octavia Davis at telephone number (703) 306 - 5896. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (703) 305 - 4816. The fax phone number for the organization where this application where this application or proceeding is assigned is (703) 746 - 4409.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0956.

JD

OD/2855

9/8/03


EDWARD LEFKOWITZ
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